

March 31, 2009

Pamela Credon, Executive Officer
Central Valley Regional Water Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670- 6114

Dear Ms. Credon,

Thank you for the opportunity to offer my comments on the Rubicon Trail Draft Cleanup and Abatement Order.

I have driven an OHV, hiked and skied the back country in the Eldorado National Forest, including the area of the Rubicon Trail for over 30 years. It is an especially beautiful landscape that we have the privilege to enjoy and the responsibility to preserve and protect.

Recently I saw an OHV with a sticker on it saying "Keep public land open to the public." The question is what does "open" mean? For some, open means driving any vehicle wherever they choose without restrictions of any kind. In times past we could enjoy that luxury because there were fewer of us and so our impact was small. Today, use of our public lands has increased to the point where we all must surrender a few personal rights and freedoms to the greater good. That is what "Tread Lightly" is about. It is worthwhile to review Tread Lightly principles:

T **Travel responsibly on designated roads and trails or in permitted areas.**

R **espect the rights of others including private property owners and all recreational trail users, campers and others to allow them to enjoy their recreational activities undisturbed.**

E **ducate yourself by obtaining travel maps and regulations from public agencies, planning for your trip, taking recreation skills classes, and knowing how to use and operate your equipment safely.**

A **void sensitive areas such as meadows, lakeshores, wetlands and streams, unless on designated routes. This protects wildlife habitat and sensitive soils from damage.**

D **o your part by leaving the area better than you found it, properly disposing of waste, minimizing the use of fire, avoiding the spread of invasive species, restoring degraded areas, and joining a local enthusiast organization.**

Last year I hiked from Loon Lake to Spider Lake on the Ellis Tie and the Rubicon Trail and what I saw made me sad. I went on the Jeepers Jamboree about 10 years ago and the change to the Trail in comparison to that time is striking. Here are some things I saw:

OHV tracks way off the trail everywhere.
Multiple trails paralleling one another.
Vegetation disappearing alongside the trail.
Widening in places to seem more like a highway than a trail.
Trees along the trail with bark knocked off of them or cut down.
Rainbow slicks of oil on standing water in the trail.
A strong smell of oil such as you might find in an automotive grease pit most of the way.
Visible oil stains on rocks both on and off the trail.
Two pit toilets and a third new one in the process of being dug.
Erosion on the trail so deep in places that the original road level was over my head.
A large granite slab pried off at the Little Sluice Box, exposing the roots of the icon juniper tree.

Why have the impacts to the Rubicon Trail increased in the last 10 years? According to the Forest Service, American OHV owners and users have increased from about 5 million in 1972 to 36 million in 2002 and this number is increasing. If we assume 99% of OHV users are treading lightly and 1% of OHV users are not, that means we still have 360,000 people out there destroying our public lands. This is a crisis situation.

This crisis situation demands that we make changes that may be difficult for some members of the OHV community to understand and accept. Many people, who would never think of leaving trash along the Trail, are oblivious to larger resource impacts like the massive erosion and oil spills that are resulting from the exponential increase in OHV users and new OHV technology. OHV groups are organizing clean ups, adopting trails, and most pack out more than they pack in. These are admirable efforts but it is time to own the larger impacts and acknowledge that everyone will need to contribute in new ways for the good of the Rubicon Trail. In order to keep the Rubicon open, we must engineer the Trail to maintain access AND be successful at keeping resource impacts at the minimum.

More OHVs are using the Trail during wet and snow conditions. The destruction of dirt roads and the resulting erosion when used during wet conditions, is well known to Forest Service personnel, who routinely close gates on dirt roads during the winter to protect them. Roads are expensive to maintain and it makes no sense to throw away an investment unnecessarily. Winter users will claim that they are on top of the snow and have no impact, however, as a backcountry skier in this area, I have observed that water flowing over roads causes many areas to be free of snow, even in the deepest snow conditions. It is impossible to have large numbers of OHVs travel the Rubicon in winter without significant damage to the Trail and watershed. The negative impact of erosion to a watershed benefitting many does not justify the short term pleasure of a few.

The escalation of impacts to the Rubicon Trail has increased due to numbers of OHVs but another major factor is the introduction of non-street legal, highly specialized extreme OHVs known as "Rock Crawlers," in the last 10 years. These vehicles can go anywhere-- and they do—with unacceptable consequences.

The amazing capability of the extreme non-street legal vehicles tempts some folks to apply unauthorized modifications to the Trail to increase the challenge. Highly eroded sections of the Trail have become playgrounds for the extreme rock crawlers. The rock pried off the roots of the icon tree at Little Sluice is an example. New obstacles that exceed the capability of the street legal vehicles are forcing people to create bypasses

when the Trail is modified to be too difficult for them. This vicious cycle increases impacts to the land. Once the Trail is surveyed, the width designated and the difficulty defined, the only modifications to the Rubicon Trail should be those within the right-of-way and approved by the County and the Forest Service. Setting the Trail difficulty at ONE level, for street legal OHVs, will reduce the problems of vehicles off trail, multiple trails, trail width increases and impacts to trees and other vegetation.

Trailerred extreme OHVs have doubled the impacts between Loon Lake and popular destinations such as Spider Lake. Street legal OHVs historically travelled one way all the way to Lake Tahoe, dispersing lesser impacts over a larger area. Extreme OHVs must return to their trailer at the end of the trip, increasing higher impacts in a smaller area. Restricting the Rubicon to street legal OHVs reduces impacts because trailers are not necessary.

In addition, people driving rock crawlers tend to overturn them more often, spilling oil and other fluids that pollute the watershed. Defining Trail difficulty for street legal OHVs would be easy to enforce because vehicles could be checked at the trailhead for compliance and cost the County very little for a significant reduction in impacts.

The level of difficulty established for the Trail must be for slightly modified street legal OHVs.

The Rubicon Trail should remain just that—a TRAIL for the majority of OHV recreationists rather than an extreme OHV park for a few.

I applaud the Central Valley Regional Water Board for taking action and I support the Draft Cleanup and Abatement Order.

Sincerely,

/s/ Nancy Platt

Nancy Platt